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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,519	04/05/2006	Philip Steven Newton	FR 030119	2028
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EXAMINER				
YUN, CARINA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/572,519

**Applicant(s)**

NEWTON ET AL.

**Examiner**

CARINA YUN

**Art Unit**

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/5/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Paragraph [0022] of the specification describes “240” as the killed state, while it should be –340–, as 240 refers to java object in Fig. 2. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the antecedent basis for “the resources” has not been clearly set forth.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 7, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (U.S. Pub. No. 2003/0196189 A1).

Regarding claim 1, Wang et al. teaches a storage carrier (*i.e. data storage device, see ¶ [0073]*) comprising: at least one Java object application having a predefined lifecycle model comprising at least three methods that when invoked cause the Java object application to be in one of the following respective states: a paused state, an active state and an inactive state (*see Fig. 5 and ¶ [0033]*); a loader application running on a Java virtual machine, having a main method and a lifecycle linked to an insertion of the carrier into a scanning device and the loader application is configured to control the lifecycle of the object application (*see Fig. 2B, and ¶ [0010] and ¶ [0035]*; Examiner notes that the loader application (*e.g. Xlet Manager*) resides on top of the JVM and controls the lifecycle of the Xlet-different states, load state, active state, etc. and can be embodied in a scanning device (*e.g. PDA, or another*)); that the loader application controls the object application into the paused or inactive state when another Java object application on the carrier is invoked (*see ¶ [0035]*).

Regarding claim 2, Wang et al. teaches that the carrier comprises an optical storage portion (*i.e. CD-ROM, see ¶ [0073]*).

Regarding claim 7, Wang et al. that the loader application is configured to control the object application into the paused state and control a release by the application of resources associated with the scanning device (*i.e. Xlet Manager, see ¶ [0036]*).

Regarding claim 9, Wang et al. that the loader application is configured to control the object application into a start state and control a registration with the system to receive user events (*i.e. Xlet manager controls the states of the object application, see ¶ [0034] and user may enter data in the applet, see also ¶ [0009]*).

Regarding claim 11, Wang et al. a system comprising: a scanning device storing a Java virtual machine (*i.e. JVM for an PBP enabled device, see ¶ [0031]*); a storage carrier including: at least one Java object application having a predefined lifecycle model comprising at least three methods that when invoked cause the Java object application to be in one of the following respective states: a paused state, an active state and an inactive state (*see Fig. 5 and ¶ [0033]*); a loader application configured to run on the Java virtual machine while the carrier is inserted into the scanning device, having a main method and a lifecycle linked to the insertion of the carrier into the scanning device and the loader application is configured to control the lifecycle of the object application (*see Fig. 2B, and ¶ [0010] and ¶ [0035]*; Examiner notes that the loader application (*e.g. Xlet Manager*) resides on top of the JVM and controls the lifecycle of the Xlet - different states, load state, active state, etc. and can be embodied in a scanning device (*e.g. PDA, or another*)); that the loader application controls the object application into the paused or inactive state when another Java object application on the carrier is invoked (*see ¶ [0035]*).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 3, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pub. No. 2003/0196189 A1) in view of White (U.S. Pub. No. 2002/0161909 A1).

Regarding claim 3, Wang et al. does not specifically disclose that that the object application comprises an interactive service. However, White teaches that that the object application comprises an interactive service (*i.e. interactive streaming, see ¶ [0017]*). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang et al. and White because White's teaching of interactive service would add functionality of the applet application in Wang et al. teachings in order to be able to stream video.

Regarding claim 5, Wang et al. does not specifically disclose that the object application includes a control of playback of a video sequence. However, White teaches that the object application includes a control of playback of a video sequence (*see ¶ [0017]*). Hence, it would

have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang et al. and White because White's teaching of interactive service would add functionality of the applet application in Wang et al. teachings in order to be able to stream video.

Regarding claim 10, Wang et al. does not specifically disclose that the carrier further comprises one movie object associated to control a playback of an audio/video sequence. However, White teaches that the carrier further comprises one movie object associated to control a playback of an audio/video sequence (*see ¶ [0017]*). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang et al. and White because White's teaching of interactive service would add functionality of the applet application in Wang et al. teachings in order to be able to stream video.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pub. No. 2003/0196189 A1) in view of Becker (U.S. Patent No. 6,585,779 B1).

Regarding claim 4, Wang et al. teaches the existence of the object application and the loader application but does not specifically state that they are stored in a Java archive file on the carrier comprising a manifest file pointing to the loader. However, Becker discloses a Java archive file comprising a manifest file (*see col. 3, lines 15-25*). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang et al. and Becker because Becker's teaching of JAR archive files is an old and well known feature and is a common way to store an object application.

10. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (U.S. Pub. No. 2003/0196189 A1) in view of Mukundan et al. (U.S. 2003/0070005 A1).

Regarding claim 6, Wang et al. does not specifically disclose an index table for associating the object application with a title or menu item. However, Mukundan et al. teaches an index table for associating the object application with a title or menu item (*i.e. applet level menu can generally associated to one or more applet method menu item objects, see ¶ [0740] and further Fig. 29 which shows a table describing what is contained in a menu item*). Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Wang et al. and Mukundan et al. for the purposes of illustrating the relationship between the object application and menu item.

Regarding claim 8, Wang et al. teaches that the resources includes a display of the player (*i.e. PDA, or another, see ¶ [0029]*). Examiner notes that a PDA inherently contains a display of the player).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Manda et al. (U.S. Pub. No. 2004/0103394 A1) teaches a mechanism for testing execution of applets with plug-ins and applications.

Tsuda et al. (U.S. Pub. No. 2005/0009510 A1) teaches a mobile communication terminal for controlling execution state of an application.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARINA YUN whose telephone number is (571)270-7848. The examiner can normally be reached on Mon-Thur, 9.30am-6.30pm; alt. Fri, EST.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEWIS BULLOCK can be reached on (571)272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.Y./  
Art Unit 2193

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit  
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